

# **EXHIBIT 3**

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:24-CV-699-M-KS**

North Carolina Democratic Party,

Plaintiff,

v.

North Carolina State Board of Elections; Karen Brinson Bell, *in her official capacity as Executive Director of the North Carolina State Board of Elections*; Alan Hirsch, *in his official capacity as Chair of the North Carolina State Board of Elections*; Jeff Carmon, *in his official capacity as Secretary of the North Carolina State Board of Elections*; and Stacy Eggers IV, Kevin N. Lewis, and Siobhan O'Duffy Millen, *in their official capacities as members of the North Carolina State Board of Elections*,

Defendants.

**DECLARATION OF  
CATHERINE LAWSON**

Catherine Lawson declares and says:

1. My name is Catherine Lawson. I am an adult and under no disability. The facts stated in this declaration are known to me personally, unless otherwise specifically stated.
2. I am the Director of Voter Protection and Strategic Counsel for the North Carolina Democratic Party (“NCDP”), the Plaintiff in this action. In my capacity as Director of Voter Protection, I have led NCDP’s voter protection programs for the 2024 general election. These programs include counseling interested voters and volunteers on election participation, hosting candidate and voter-registration events, staffing voting-protection

hotlines, educating voters on how to cast their ballots, and assisting voters in curing deficiencies in their ballots during the canvass period.

3. Because the 2024 general election was the first federal and statewide general election implementing North Carolina's recent photo identification requirements, NCDP relied upon the state's photo identification statutes and regulations to ensure voters were educated on when they were required to provide photo identification.

4. Effective August 1, 2023, the North Carolina State Board of Elections (the "State Board") promulgated a temporary regulation (later made permanent) that voters casting military-overseas ballots were "not required to submit a photocopy of acceptable photo identification." 8 N.C. Admin. Code 17.0109(d).

5. NCDP relied upon this regulation in counseling military and overseas voters how to cast their ballots in the 2024 general election. NCDP's voter-education resources, such as the voter-protection manual its volunteers use, instructed volunteers that military and overseas voters were not required to provide photo identification (or a so-called "reasonable-impediment" form) when submitting their military-overseas ballots. Likewise, NCDP trained its volunteers to answer questions from or about military and overseas voters on NCDP's voter-assistance hotline and instruct these voters they were not required to provide photo identification or a reasonable-impediment form.

6. North Carolina's military and overseas voters, including voters who cast ballots for Justice Allison Riggs (NCDP's nominee for Associate Justice of the North Carolina Supreme Court), likewise relied upon the State Board's regulations in voting last

November. They authenticated their identity by submitting a declaration, not photo identification or an exception form, with their ballots.

7. In fact, to my knowledge, voters who voted using military-overseas ballots had no opportunity to submit photo identification or an exception form prior to the election. Under state law, military and overseas voters may vote using a federal write-in absentee ballot or an electronic portal created by the State Board. Neither method of casting a military-overseas ballot allowed for voters to submit photo identification or an exception form.

8. Based upon the final absentee-ballot statistics prepared by the State Board on November 26, 2024, 10,500 North Carolina military servicemembers and 21,533 other North Carolinians abroad cast military-overseas ballots in the 2024 general election.

9. On November 19, 2024, Judge Jefferson Griffin, the Republican challenger to Justice Riggs, filed over 300 election protests across the state in connection with his loss in the election to Justice Riggs. One category of protests asserted, for the first time and weeks after the polls closed, that military and overseas voters were required to submit copies of their photo identification or an exception form (the “Photo ID Protests”). Another alleged that counting the votes of overseas voters who checked a box on a voter registration form that they have never “lived” in the United States violated the state constitution (the “Residency Protests”).

10. Judge Griffin filed the Photo ID Protests only in a handful of counties, each with large populations of Democratic voters. Only the approximately 1,400 voters Griffin challenged in Guilford County, moreover, were protested by November 19, 2025, the

statutory deadline to file an elections protest. Judge Griffin subsequently submitted challenges to around 4,000 military and overseas voters from Buncombe, Durham, and Forsyth counties whose votes he contends should be discarded.<sup>1</sup> According to the State Board's tally, Justice Riggs earned 62.2% of the total vote in Guilford County, 63.7% in Buncombe County, 81.7% in Durham County, and 57.5% in Forsyth County.

11. The Photo ID Protests are purely technical—none included any evidence that challenged military or overseas voters were not who they identified themselves to be. Every such voter was required to submit a declaration with his or her ballot authenticating his or her identity.

12. On April 4, 2025, almost five months after the 2024 general election, the North Carolina Court of Appeals endorsed Judge Griffin's interpretation of state law, holding that 8 N.C. Admin. Code 17.0109(d) was inconsistent with Articles 20 and 21A of Chapter 163 of the North Carolina General Statutes. Based on this interpretation, the Court of Appeals ordered that the military and overseas voters targeted by the Photo ID Protests must "cure" their ballots by providing a photocopy of their approved identification or a reasonable-impediment form to their county boards of elections.

13. The Court of Appeals further ordered that voters subject to the Residency Protests were ineligible to vote, and it instructed the State Board to discard those votes, without providing the affected voters any notice or opportunity to be heard before being denied their right to vote.

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<sup>1</sup> The State Board has provided lists of challenged voters on its website, at <https://www.ncsbe.gov/information-voters-challenged-election-protest#1Whichvotershavebeenchallenged-4570>.

14. On April 11, 2025, the North Carolina Supreme Court modified the Court of Appeals' order to require voters subject to the Photo ID Protests to provide photo identification or a reasonable-impediment form within 30 calendar days of the county boards of elections mailing out notices for these voters' ballots to count.

15. The North Carolina Supreme Court declined to review the Court of Appeals' decision with respect to Residency Protests.

16. NCDP will be irreparably harmed if military and overseas voters are subjected to the cure process and vote deletion mandated by the state courts.

17. NCDP nominated Justice Riggs, and any alteration to the vote count that jeopardizes her win irreparably harms NCDP's interest in electing its candidates.

18. Further, as a political party, NCDP's staff, volunteers, time, and financial resources ordinarily would be spent on organizing, educating and engaging voters in preparation for the 2025 municipal and 2026 statewide elections. If the State Board is not immediately enjoined from carrying out orders of the state court, NCDP will be forced to divert significant resources from organizing and other party activities to educating and assisting potentially thousands of military and overseas voters on how to submit photo identification or reasonable-impediment forms to their county boards of elections. NCDP estimates that the time and expense the cure process will immediately incur in the absence of preliminary relief include tens of thousands of dollars in staff salaries, programming, and legal support, as well as hundreds of hours of volunteer time. Once expended, NCDP cannot recover these lost funds.

19. NCDP's members will also be irreparably harmed if the cure process and vote discarding are not immediately enjoined.

20. Some voters subject to the ordered cure process in connection with the Photo ID Protests will be unable to comply because they have died, cannot be contacted, or cannot access a computer. For example, Captain Rebecca M. Lobach, a resident of Durham challenged by Judge Griffin, cast her ballot in accordance with the laws in effect during the 2024 general election. Captain Lobach was aboard the UH-60 Blackhawk helicopter that collided with an airplane near Reagan Washington National Airport on January 29, 2025, and died in the crash. Her vote (and votes cast by those like her) should count, notwithstanding that she cannot posthumously comply with the state court's order.

21. Based on my experience in voter protection, the 30-day cure process will not provide an adequate opportunity to cure for many military and overseas voters who are in remote locations without easy access to the physical or email address they used to vote six months ago. Others may not comply because contacting these voters is exceptionally difficult. NCDP cannot door-to-door canvass voters stationed or living abroad; cannot easily phone bank international numbers; and does not have access to the State Board's email database (which is not made publicly available under state law). As discussed, mail likely will not be an effective means for communicating with voters who are living abroad and voted electronically.

22. The voters targeted by the Residency Protests are not subject to the cure process. The State Board will delete these voters' votes unless enjoined from doing this so by this Court.

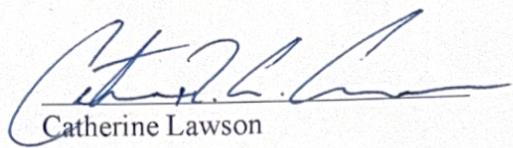
23. Deleting these votes will irreparably harm the NCDP and its members. NCDP has an interest in electing its candidates, including Justice Riggs, which interest will be irreparably injured if Justice Riggs' victory is altered by discounting these votes.

24. Additionally, unlike the voters subject to the Photo ID Protests, the overseas voters subject to the Residency Protests have not received notice that their votes will be discarded. They have not been given any opportunity to show that the allegations in Judge Griffin's Residency Protests are incorrect or that they are residents of North Carolina for voting purposes under N.C. Gen. Stat. § 163-258.2 or another provision of state law.

25. Judge Griffin's Residency Protests have incorrectly named North Carolinians as "never residents" when in fact those voters have resided in North Carolina. A copy of a recent news story identifying two of these voters is attached as **Exhibit A**.

26. Voters' ballots should not be discarded on the assumption that Judge Griffin's protests are factually accurate.

I declare under penalty of perjury that the foregoing is true and correct. Executed April  
1st, 2025.



Catherine Lawson

# EXHIBIT A

# 'It's bullshit' Longtime NC voters at risk of Supreme Court ballots wrongly getting tossed

The so-called "never resident" list appears to include some longtime residents, while other voters appear in two different challenge categories—leaving the fate of their ballots unclear.



BRYAN ANDERSON

APR 13, 2025 • PAID

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It didn't take long to find a Greensboro voter at imminent risk of having their ballot discarded from last year's Supreme Court election. And for some, the issues can't be corrected.

Vidyaranya Gargeya is a retired professor who taught at UNC-Greensboro for 30 years, according to the school, who, according to the school, has visited every college in the state. He's paid property taxes at the same suburban Guilford County home he's owned since 2003, according to public records. And voting records show he voted in-person on Election Day eight times without issue, and has voted in every midterm and presidential general election since 2006. He appears to have cast an overseas mail-in ballot for the 2024 election.

But a protest filed by Republican Court of Appeals Judge Jefferson Griffin labeled Gargeya as a "never resident." On Friday, the state Supreme Court directed the State Board of Elections to promptly remove 260 never-resident ballots without any opportunity for remedy or discussion, including Gargeya's.

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A 4-2 decision written by Republican Supreme Court Justice Trey Allen and joined by justices Paul Newby, Tamara Barriner and Phil Berger Jr., labeled these people as "overseas voters who have never lived in North Carolina and have never expressed an intent to live in North Carolina." Those ballots should be immediately removed from the count, they ruled.

On Saturday, in partnership with *The Assembly*, this reporter visited 30 households across Greensboro to try to reach impacted voters. When approached at their front door, parents, siblings, and spouses answered. Many were confused as to why their loved one's vote was on Griffin's protest list. That confusion quickly shifted to frustration, curiosity and a sense of helplessness.

Nobody answered Gargeya's front door, but his nextdoor neighbor, Jimmy Donahue confirmed Gargeya still lives there, adding that their families recently had dinner

together. Efforts to reach Gargeya by phone and email over the weekend were unsuccessful.

Also on the list of “never residents” is **Josiah Young**, a Jackson County voter who was raised in Webster, played basketball for Jackson County Early College and runs a drone photography business based in western North Carolina. Young didn’t immediately respond to a request for comment.

Gargeya, Young, and several others this reporter identified appear to have, in fact, lived in North Carolina. Even for those included on the count that have not lived in state, their removal would occur despite no evidence that they acted unlawfully.

A 2011 measure, **passed unanimously by the General Assembly** allowed certain military and overseas voters to cast a ballot for state-level races. The State Board of Elections also adopted a rule last year, which went through the Republican-controll Rules Review Commission without issue. In December, the state elections board reached a **unanimous decision** to reject Griffin’s protest of these voters.

**Gerry Cohen**, a member of the Wake County Board of Elections who has more than years of experience in state and local government, said the “never residents” were given that label by Griffin’s campaign if a voter checked a box **on a Federal Post Card Application** that read, “I am a U.S. citizen living outside the country, I have never lived in the United States.” Cohen said voters may have very well checked the box in erro

An *Anderson Alerts* **data review** of the **voters at issue** further complicates matters.

Of the 260 “never residents,” 57 are also included in a separate protest over military and overseas ballots that lack photo ID. In its ruling, the Supreme Court also extended the cure period for military and overseas voters from 15 business days to 30 calendar days after the mailing of notice to voters. But this raises questions of whether the 57 voters on both lists should be entitled to a 30-day window, too.

“We are in a very large gray legal area as to which category these folks fall into,” said **Michael Bitzer**, a Catawba College political scientist. “When you’ve got this kind of cross-listing occurring, it only poses further legal mystery and confusion.”

Bitzer, Western Carolina University political scientist **Chris Cooper**, and research fellow at the conservative John Locke Foundation **Jim Stirling** reviewed and agreed with the assessment of the data, which was provided through a public records request *Anderson Alerts* received from the State Board of Elections.

## **'They're Trying to Steal the Votes'**

Driving around Greensboro’s Bluffs neighborhood, there’s no shortage of families Griffin’s protest of military and overseas voters has affected— people who were explicitly advised by state elections officials last year that they didn’t need to provide photo ID.

On nearly every street, there is someone at those voters’ permanent addresses infuriated to learn that their family member is on the list. Many of those voters are abroad for some combination of school, work, or military service.

In Guilford County, 1,409 voters may soon have a mere 30 days to show such documentation if they want their votes to count. So could 4,000 additional voters from Buncombe, Durham and Forsyth counties.

**Barry Cantrell**, a 59-year-old creative director from Greensboro, was surprised when this reporter knocked on the door on Saturday to inform him that his daughter, Condie, is at risk of having her vote removed from the count if she doesn’t meet a 3 day response deadline. But she is currently teaching in Japan.

“It’s bullshit,” Cantrell said. “She voted, she followed the rules, she did everything she was supposed to do. And now, they’re discounting her vote. It’s completely political

He said he and his daughter both voted for Democratic Supreme Court Justice Allie Riggs. He sees the effort to remove his daughter's vote as a "political ploy" by Republicans to overcome Griffin's 734-vote defeat.

"They are trying to get their conservative person elected, so if they didn't get enough votes, they're trying to steal the votes or trying to rob the votes away from the people who voted rightfully," Cantrell said.

Indeed, Griffin's supporters prioritized populous, heavily Democratic counties in the protests. A data review of Griffin's remaining protests show registered Democrats and unaffiliated voters are **five times more likely** than Republicans to be at risk of having their ballots removed from the count.

A spokesperson for the North Carolina Republican Party didn't immediately respond to a request for comment. Paul Shumaker, a spokesman for Griffin's campaign, said the campaign won't have any further comment "until there are any substantial developments."

"It is no small thing to overturn the results of an election in a democracy by throwing out ballots that were legally cast consistent with all election laws in effect on the day of the election," Democratic Supreme Court Justice Anita Earls wrote in a partial dissent on Friday. "Some would call it stealing the election, others might call it a bloodless coup, but by whatever name, no amount of smoke and mirrors makes it legitimate."

Republican Justice Richard Dietz also worried about the precedent his colleagues created. "The door is open for losing candidates to try this sort of post-election meddling in state court in the future," he wrote. "We should not allow that."

Riggs recused herself from the case, but **expressed disappointment** with the court's ruling. Her campaign didn't provide immediate comment on what its next steps would be.

be to safeguard impacted voters, including those who appear wrongly labeled as “non-residents.”

## Frustrated Families

The State Board of Elections is now awaiting guidance from the North Carolina Court of Appeals before implementing a 30-day “cure” period for voters like **Condie Cantrell**. Riggs’ campaign appealed the order to a federal judge, who then directed the State Board of Elections to proceed with the Supreme Court’s order but to hold off on certifying the election results.

Barring a federal appeals court stepping in, the presumed next step would be for county elections officials to notify people like Cantrell that her ballot will only be counted if she provides some form of photo identification within the 30-day period.

Since she’s in Japan, that raises questions as to whether 30 days will be enough time for her to receive official notice from North Carolina, let alone respond to it. Her family isn’t the only one concerned.

**Olivia Seeger** is a Meredith College alum who was completing a PhD in marine biology at the time of the election and remains in Australia. She’d have little time to correct any concerns over her ballot.

“I don’t like the 30-day shot clock because it might take two weeks to get the information over to Australia if you mail it,” said **Chuck Seeger**, Olivia’s father.

Seeger said he’s particularly disturbed that servicemembers are in danger of having their votes removed from the count. While he supports photo ID laws to ensure legitimate votes are counted, he said such barriers for members of the military are unnecessary.

“They’re in the military,” Seeger said. “They couldn’t get a ballot if it’s not through the military. They already have ID.”

**Erik Stubbs**, who is living in Canada, is also among the voters Griffin is challenging. His father, Clyde, jokingly extended an offer for Griffin to meet him in a boxing ring to decide the fate of his son's vote. "They messed with the wrong...," he said, pausing for a moment, "...caring person."

**Thomas Espinola**, a professor at Guilford College whose son, Benjamin, is on the list of challenged voters, said he's frustrated with what he sees as a broader threat Republicans are posing. Attempts to reach the son before publication were unsuccessful.

"It is disturbing to have what is basically an attack on democracy," Espinola said.

Voters and their families will need clarity from the North Carolina Court of Appeals and state and local elections officials over how to proceed. Even so, any forthcoming guidance could ultimately get undercut by the Fourth Circuit Court of Appeals.

Representatives for the State Board of Elections and North Carolina Court of Appeals Judges **Fred Gore** and **John Tyson** didn't provide immediate comment on what the next steps will be for voters and who exactly is still subject to Griffin's protests.

**Graham Wilson**, a spokesman for the court system, said in an emailed statement, "The Court of Appeals opinion and Supreme Court order speak for themselves."

## Lots of Questions, Few Answers

On Saturday afternoon, U.S. District Judge **Richard Myers** ordered the State Board of Elections to disclose the number of potentially affected voters and the counties where those ballots came. The Trump-appointed judge gave the state elections board a Tuesday deadline.

Myers also said the state Supreme Court race couldn't be certified until he ruled on the dispute, which wouldn't happen until April 28 at the earliest.

In the meantime, the North Carolina Court of Appeals must revise its initial ruling and follow the state Supreme Court's guidance that 60,273 voters who lacked a driver's license number or last four digits of their Social Security number on a voter registration database should be allowed to have their ballots stand.

Democrats and Republicans alike also await clarity as to whether there are 1,409 or 5,509 military and overseas voters subject to the 30-day deadline. Griffin initially contested the ballots of 1,409 Guilford County voters. He then sought to have an additional 4,000 from Buncombe, Durham, and Forsyth counties removed from the count. It remains unclear which subset of voters are subject to the Supreme Court's order and initial Court of Appeals ruling.

The State Board of Elections didn't immediately respond to a request for comment to how many outstanding ballots remain in dispute for military and overseas voters. But it has voiced uncertainty as to what happens next.

"The State Board understands there may be further proceedings in federal court before this matter is fully resolved," the NCSBE said in a statement, adding that elections staff "will provide instructions for county boards of elections and affected voters on how to comply" with incoming court orders.

It could be anywhere from a few days to several months before the next state Supreme Court justice is determined.

At minimum, the Supreme Court's latest order would impact 1,654 North Carolinians—the 260 "never resident" voters from across the state, and 1,394 Guilford County military and overseas voters who aren't also in the "never resident" category.

If those figures hold, Riggs would almost assuredly hold her lead over Griffin. Griffin would need more than 72.2 percent of those voters to have cast a ballot for Riggs—a statistical improbability, according to Stirling, the conservative research fellow.

But if the state Supreme Court's order encompasses the additional 4,000 military and overseas voters in Buncombe, Durham, and Forsyth counties, Griffin could plausibly overcome his deficit.



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Mark Rodin Mark Rodin 2h Edited

What a f\_\_\_\_\_ mess. As a former election official I wonder how someone who has lived in one since 2003 and has voted in person at elections between then and 2022 didn't apply for an absentee ballot and say he would be out of the country on Election Day 2024. To quote a David Bowie song "Ground Control to Major Tom. Ground Control to Major Tom...."

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